

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SPENCER MEYER, individually and on :
behalf of those similarly situated, :
 : 15 Civ. 9796
 :
Plaintiff, :
 :
 :
-v- :
 :
TRAVIS KALANICK, :
 :
Defendant. :
-----x
JED S. RAKOFF, U.S.D.J.

ORDER

6/9/16

On May 7, 2016, the Court received materials for its in camera review that were submitted, in accordance with the Court's orders, by Uber Technologies, Inc. ("Uber") and Global Precision Research, LLC d/b/a Ergo ("Ergo"). These materials, over which privilege and/or work-product protection are claimed, relate to plaintiff Spencer Meyer's contentions that Uber hired Ergo to conduct an investigation of plaintiff and plaintiff's counsel Andrew Schmidt, that Ergo, in order to obtain information about the subjects of the investigation, made misrepresentations to third parties, and that misrepresentations were also made to plaintiff's counsel about Uber's and/or defendant's role in ordering the investigation. See Memorandum Order dated June 7, 2016, Dkt. 76. In light of the forthcoming depositions relating to these matters, the Court has carefully

reviewed in camera each and all of the submitted materials and, as a consequence of that review, makes the following rulings:

(1) All claims of privilege and work-product protection as to materials submitted by Ergo are denied, and Ergo must produce to plaintiff's counsel by 5 p.m. on June 9, 2016 all of the materials that Ergo submitted for the Court's in camera review.

(2) Uber's claims of privilege and work-product protection are affirmed as to certain materials and denied as to others.

Specifically, Uber must produce to plaintiff's counsel by 5 p.m. on June 9, 2016 the following documents, identified by their Bates numbers in Uber's privilege log:

UBER-PRIV0000001
UBER-PRIV0000022
UBER-PRIV0000024
UBER-PRIV0000039
UBER-PRIV0000040
UBER-PRIV0000043
UBER-PRIV0000055
UBER-PRIV0000056
UBER-PRIV0000058
UBER-PRIV0000059
UBER-PRIV0000077
UBER-PRIV0000083

(3) Plaintiff's application to take the deposition of Uber's General Counsel Salle Yoo regarding the Ergo matter is denied.

A Memorandum setting forth the reasons for the Court's three rulings will issue in due course.

SO ORDERED.

Dated: New York, NY
June 8, 2016


JED S. RAKOFF, U.S.D.J.